

CHAPTER 8

RESIDENTIAL FACILITIES STANDARDS

8.1

RESIDENTIAL HOUSING CONSTRUCTION (permanent)

8.1.1

RESIDENTIAL FACILITIES CONSTRUCTED ON-SITE OR MANUFACTURED OFF-SITE.

Residential facilities construction shall comply with all applicable regulations in effect in Box Elder County, be constructed on a legal lot in a zone which permits the residential facility and obtain the appropriate building permit. A certificate of occupancy is required and will be issued upon finding that the residential facility has complied with the controlling regulations.

8.1.1.1

NEW ON-SITE RESIDENTIAL FACILITY CONSTRUCTION.

New construction of residential facilities on site shall meet the requirements of the Uniform Building Code (UBC), and be inspected by the local Building Official. Additions, alterations, foundations, and accessory buildings require building permits.

8.1.1.2

NEW OFF-SITE CONSTRUCTED RESIDENTIAL FACILITIES.

New residential facilities constructed or manufactured off-site in a "factory" must be certified to be in compliance with the Uniform Building Code or the National Manufactured Housing Construction and Safety Standards Act of 1974 and bear the approved U.S. Department of Housing and Urban Development approved (HUD) insignia. The HUD insignia may not be removed from its original location on the structure nor any unapproved modification made to the structure without approval of Box Elder County. Installation of an off-site manufactured residential facility that is designed to meet UBC requirements shall be permanent and comply with Uniform Building Code requirements for component assemblies. The installation shall be designed to meet seismic and wind load requirements. A copy of the calculations shall become part of the building permit application.

8.1.1.2.1

Installation of the off-site manufactured residential facility constructed to meet HUD requirements and bears the insignia shall comply with the authorized "installation manual" which accompanies the unit from the factory. The installation shall be designed to meet seismic and wind load requirements. A copy of the calculations shall become part of the building permit application. The residential facility shall be permanently installed on an approved foundation which is constructed according to the HUD installation manual or the Uniform Building Code.

8.1.2

PREVIOUSLY USED AND OLDER RESIDENTIAL FACILITIES.

Used off-site constructed residential facilities before being moved into Box Elder County or moved within Box Elder County shall:

8.1.2.1

Provide a certification from a qualified licensed professional approved by Box Elder County that the structure was constructed to meet HUD requirements and retains the insignia of approval, has not been modified, or, if it has been modified that such modification does not invalidate the original factory certification for its intended use.

8.1.2.2

Provide a certification from a qualified licensed professional approved by Box Elder County that the facility was constructed to meet UBC requirements and has not been modified, or, if it has

been modified that such modification does not invalidate the original approval of having been constructed to UBC requirements.

8.1.2.3

If a residential facility does not meet the above criteria and the local Building Official is convinced that the plans for its installation in Box Elder County will bring it in to full compliance with the Uniform Building Code, said Building Official may approve the plans and allow the residential facility to be moved to its intended permanent legal location in Box Elder County.

8.1.3

EXTERIOR APPEARANCE RESIDENTIAL FACILITY (see also Section 1.42, CONSERVATION of VALUES).

Roof, exterior siding, dimensions, and skirting or foundation of a residential facility shall meet the following standards:

8.1.3.1

Roofs shall have a minimum pitch of 2.5 to 12 over at least 75% of the structure and have a surface of wood shakes, wood or composition asphalt mineral surface shingles, concrete, fiberglass, or metal tiles, single-ply, slate, built-up gravel, or standing rib metal roofing. Roof overhangs must not be less than six inches, including rain gutters which may account for up to four inches of overhang measured from the vertical side of the dwelling.

8.1.3.2

Exterior siding materials shall consist of wood, masonry, concrete, stucco, "masonite", metal or vinyl clad lap, or any material with similar appearance which meet the Uniform Building Code.

8.1.3.3

The minimum width of any dwelling shall be at least 20 feet at the narrowest point of the main floor at ground level for at least 20 feet measured at right angles to the width face exclusive of garage area.

8.1.3.4

Skirting is required with materials which meet the Uniform Building Code standards and is aesthetically consistent with concrete or masonry type foundation materials. A masonry foundation constructed in accordance with plans and specifications available UPON REQUEST from Box Elder County is acceptable.

8.1.4

STORAGE SPACE REQUIRED FOR RESIDENTIAL FACILITIES.

A residential facility must provide a minimum of 72 square feet of enclosed storage space with at least six feet of clear height located within the residential facility, in the basement, in the garage area (supplemental to) or in an accessory storage structure on site which conforms to all applicable zoning and building code regulations and requirements.

8.2

RESIDENTIAL FACILITIES FOR ELDERLY PERSONS.

8.2.1

A residential facility for elderly persons may not operate as a business.

8.2.1.1

A residential facility for elderly persons shall:

8.2.1.2

be owned by one of the residents or by an immediate family member of one of the residents, or by an eleemosynary, charitable, or beneficial organization, including a facility for which the title has been placed in trust for a resident;

8.2.1.3

be consistent with existing zoning of the desired location;

8.2.1.4

be occupied on a 24 hour-per-day basis by eight or fewer elderly persons in a family-type arrangement; and

8.2.1.5

conform with applicable standards of the Department of Workforce Services and be licensed and inspected by that department.

8.2.2

A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

8.2.2.1

The owner of a residential facility for elderly persons may not charge residents administrative costs or salaries greater than 15% of that fee.

8.2.2.2

A person charging a fee shall:

8.2.2.2.1

keep a record of all expenses and costs related to the fee; and

8.2.2.2.2

make a record available for inspection by any resident of the facility, the Department of Workforce Services and local building officials.

8.2.3

MUNICIPAL ORDINANCES GOVERNING ELDERLY RESIDENTIAL FACILITIES.

8.2.3.1

Each County shall adopt ordinances that establish that a residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned exclusively single-family dwellings.

8.2.3.2

The ordinances shall establish a permit process that may require only that:

8.2.3.2.1

the facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;

8.2.3.2.2

adequate off-street parking space be provided;

8.2.3.2.3

the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

8.2.3.2.4

no residential facility for elderly persons be established within three-quarters mile of another residential facility for elderly persons or residential facility for handicapped persons.

8.2.3.2.5

no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and

8.2.3.2.6

placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, on in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

8.2.4

APPROVAL OF ELDERLY RESIDENTIAL FACILITIES.

8.2.4.1

Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, Box Elder County may decide only whether or not the residential facility for elderly

persons conform to ordinances adopted by Box Elder County under this part.

8.2.4.1.1

If Box Elder County determines that the residential facility for elderly persons complies with the ordinances, it shall grant the requested permit to that facility.

8.2.4.2

The use granted and permitted by this section is non-transferrable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this part.

8.2.4.3

If a County has not adopted ordinances under this part at the time an application for a permit to establish a residential facility for elderly persons is made, Box Elder County shall grant the permit if it is established that the criteria set forth in this part have been met by the facility.

8.2.5

ELDERLY RESIDENTIAL FACILITIES IN AREAS ZONED EXCLUSIVELY FOR SINGLE-FAMILY DWELLINGS.

8.2.5.1

For the purpose of this section:

8.2.5.1.1

no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for elderly persons; and

8.2.5.1.2

placement in a residential facility for elderly persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

8.2.5.2

Subject to granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family use, if that facility:

8.2.5.2.1

conforms to all applicable health, safety, zoning, and building codes;

8.2.5.2.2

is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; and

8.2.5.2.3

conforms to Box Elder County's criteria, adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwelling.

8.2.5.2.4

conforms to Box Elder County's criteria, adopted by ordinance, governing the location of residential facilities for elderly persons in areas zoned to permit exclusively single-family dwellings.

8.2.5.3

A County may, by ordinance, provide that no residential facility for elderly persons be established within three-quarters mile of another existing residential facility for elderly persons or residential facility for handicapped persons.

8.2.5.4

The use granted and permitted by this section is non-transferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

8.2.5.5

County ordinances shall prohibit discrimination against elderly persons and against residential facilities for elderly persons.

8.2.5.5.1

The decision of a county regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facility's residents.

8.2.5.6

The requirements of this section that a residential facility for elderly persons obtain a conditional use permit or other permit do not apply if the facility meets the requirements of existing zoning ordinances that allow a specified number of unrelated persons to live together.

8.3

RESIDENTIAL FACILITIES FOR HANDICAPPED PERSONS.

8.3.1

A residential facility for handicapped persons shall be consistent with existing zoning of the desired location.

8.3.1.1

A residential facility for handicapped persons shall:

8.3.1.2

be occupied on a 24-hour-per-day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager.

8.3.1.3

conform with applicable standards of the Department of Workforce Services.

8.3.1.4

be operated by or operated under contract with that department.

8.3.2

MUNICIPAL ORDINANCES GOVERNING HANDICAPPED RESIDENTIAL FACILITIES.

8.3.2.1

Each County shall adopt ordinances that establish that a residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned exclusively single-family dwellings.

8.3.2.2

The ordinances shall establish a permit process that may require only that:

8.3.2.2.1

the facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;

8.3.2.2.2

the operator of the facility provide assurances that the residents of the facility will be properly supervised on a 24-hour basis;

8.3.2.2.3

the operator of the facility establish a municipal advisory committee through which all complaints and concerns of neighbors may be addressed;

8.3.2.2.4

the operator of the facility provide adequate off-street parking space;

8.3.2.2.5

the facility be capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;

8.3.2.2.6

no residential facility for handicapped persons be established within three-quarters mile of

another residential facility for handicapped persons;

8.3.2.2.7

no person being treated for alcoholism or drug abuse be placed in a residential facility for handicapped persons;

8.3.2.2.8

no person who is violent be placed in a residential facility for handicapped persons; and

8.3.2.2.9

placement in a residential facility for handicapped persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

8.3.3

APPROVAL OF HANDICAPPED RESIDENTIAL FACILITIES.

8.3.3.1

Upon application for a permit to establish a residential facility for handicapped persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, Box Elder County may decide only whether or not the residential facility for handicapped persons conforms to ordinances adopted by Box Elder County under this part.

8.3.3.1.1

If Box Elder County determines that the residential facility for handicapped persons complies with those ordinances, it shall grant the requested permit to that facility.

8.3.3.2

The use granted and permitted by this section is non-transferable and terminates if the structure is devoted to a use other than a residential facility for handicapped persons or if the structure fails to comply with the ordinances adopted under this part.

8.3.3.3

If a County has not adopted ordinances under this part at the time an application for a permit to establish a residential facility for handicapped persons is made, Box Elder County shall grant the permit if it is established that the criteria set forth in this part have been met by the facility.

8.3.4

HANDICAPPED RESIDENTIAL FACILITIES IN AREAS ZONED EXCLUSIVELY FOR SINGLE-FAMILY DWELLINGS.

8.3.4.1

For the purpose of this section:

8.3.4.1.1

no person who is being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped persons;

8.3.4.1.2

no person who is violent may be placed in a residential facility for handicapped persons; and

8.3.4.1.3

placement in a residential facility for handicapped persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

8.3.4.2

Subject to granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family dwelling use, if that facility:

8.3.4.2.1

conforms to all applicable health, safety, zoning and building codes;

8.3.4.2.2

is capable of use as a residential facility for handicapped persons without structural or

landscaping alterations that would change the structure's residential character; and

8.3.4.2.3

conforms to Box Elder County's criteria, adopted by ordinance, governing residential facilities for handicapped persons in areas zoned to permit exclusively single-family dwellings.

8.3.4.3

A County may, by ordinance, provide that no residential facility for handicapped persons be established within three-quarters mile of another existing residential facility for handicapped persons.

8.3.4.4

The use granted and permitted by this subsection is non-transferable and terminates if the structure is devoted to a use other than a residential facility for handicapped persons or, if the structure fails to comply with applicable health, safety, and building codes.

8.3.4.5

County ordinances shall prohibit discrimination against handicapped persons and against residential facilities for handicapped persons.

8.3.4.5.1

The decision of a County regarding the application for a permit by a residential facility for handicapped persons must be based on legitimate land use criteria and may not be based on handicapping condition of the facility's residents.